



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4139

by Rep. Reginald Phillips

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/6	from Ch. 48, par. 1606
5 ILCS 315/10	from Ch. 48, par. 1610
15 ILCS 405/16.2 rep.	
30 ILCS 5/3-8.5 rep.	
115 ILCS 5/3	from Ch. 48, par. 1703
115 ILCS 5/14	from Ch. 48, par. 1714
115 ILCS 5/11 rep.	

Creates the Right to Work Act. Provides that a person may not be required to join or contribute to a labor organization as a condition of employment. Provides that violations of the Act constitute a Class A misdemeanor. Authorizes injunctive relief. Authorizes a private right of action for damages. Provides that the Attorney General shall enforce the Act. Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Provides that employees have the right not to become or remain a member of a labor organization, or to pay any dues, fees, assessments, or other similar charges to a labor organization. Eliminates provisions authorizing fair share agreements. Amends the Illinois State Comptroller Act, and the Illinois State Auditing Act to make related changes. Effective immediately.

LRB099 09197 JLS 29400 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Right
5 to Work Act.

6 Section 5. Definitions. In this Act:

7 "Employer" means all persons, firms, associations,
8 corporations, public employers, public school employers, and
9 public colleges, universities, institutions, and education
10 agencies.

11 "Labor organization" means any organization of any kind, or
12 agency or employee representation committee or union, which
13 exists for the purpose, in whole or in part, of dealing with
14 employers concerning wages, rates of pay, hours of work, other
15 conditions of employment, or other forms of compensation.

16 Section 10. Right to refrain. No person shall be required,
17 as a condition or continuation of employment, to:

18 (1) become or remain a member of a labor organization;

19 (2) pay any dues, fees, assessments, or other similar
20 charges, however denominated, of any kind or amount to a
21 labor organization; or

22 (3) pay to any charity or other third party, in lieu of

1 such payments, any amount equivalent to or pro rata portion
2 of dues, fees, assessments, or other charges required of
3 members of a labor organization.

4 Section 15. Agreements in violation. Any agreement,
5 understanding, or practice, written or oral, implied or
6 expressed, between any labor organization and employer which
7 violates the rights of persons as guaranteed by this Act is
8 unlawful, null and void, and of no legal effect.

9 Section 20. Penalty. Any person who directly or indirectly
10 violates any provision of this Act is guilty of a Class A
11 misdemeanor.

12 Section 25. Duty to investigate and enforce. It is the duty
13 of the Attorney General of this State to investigate complaints
14 of violation or threatened violations of this Act and to
15 prosecute all persons violating any of its provisions, and to
16 take all means at his or her command to ensure effective
17 enforcement. This duty does not deprive persons of their
18 private cause of action to enforce this Act pursuant to Section
19 30 or 35 of this Act.

20 Section 30. Injunctive relief. Any person injured as a
21 result of any violation or threatened violation of this Act is
22 entitled to injunctive and declaratory relief against any and

1 all violators or persons threatening violations. This remedy is
2 independent of and in addition to the penalties and remedies
3 provided in other Sections of this Act, the Illinois Public
4 Labor Relations Act, or the Illinois Educational Labor
5 Relations Act.

6 Section 35. Damages. Any person injured as a result of any
7 violation or threatened violation of the provisions of this Act
8 shall recover any and all damages, including costs and
9 reasonable attorney's fees, of any character resulting from
10 such violation or threatened violation. This remedy is
11 independent of and in addition to the penalties and remedies
12 provided in other Sections of this Act, the Illinois Public
13 Labor Relations Act, or the Illinois Educational Labor
14 Relations Act.

15 Section 40. Exceptions. The provisions of this Act do not
16 apply:

17 (1) to employers and employees covered by the Federal
18 Railway Labor Act;

19 (2) to federal employers and employees;

20 (3) to employers and employees on exclusive federal
21 enclaves;

22 (4) where they would otherwise conflict with, or be
23 preempted by, federal law; or

24 (5) to any employment contract entered into before the

1 effective date of this Act.

2 The provisions of this Act do, however, apply to any
3 renewal or extension of any existing contract, or if any
4 modification is made to any existing contract.

5 Section 45. Other laws. If any provision of this Act is
6 deemed to conflict with the provisions of any other law of this
7 State, the provisions of this Act shall control and supersede
8 the provisions of the other law.

9 Section 50. Severability. If any provision of this Act or
10 the application of any such provision to any person or
11 circumstance is held invalid by a court of competent
12 jurisdiction, the remainder of this Act or the application of
13 its provisions to persons or circumstances other than those to
14 which it is held invalid are severable and are not affected
15 thereby.

16 Section 80. The Illinois Public Labor Relations Act is
17 amended by changing Sections 3, 6, and 10 as follows:

18 (5 ILCS 315/3) (from Ch. 48, par. 1603)

19 Sec. 3. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 (a) "Board" means the Illinois Labor Relations Board or,
22 with respect to a matter over which the jurisdiction of the

1 Board is assigned to the State Panel or the Local Panel under
2 Section 5, the panel having jurisdiction over the matter.

3 (b) "Collective bargaining" means bargaining over terms
4 and conditions of employment, including hours, wages, and other
5 conditions of employment, as detailed in Section 7 and which
6 are not excluded by Section 4.

7 (c) "Confidential employee" means an employee who, in the
8 regular course of his or her duties, assists and acts in a
9 confidential capacity to persons who formulate, determine, and
10 effectuate management policies with regard to labor relations
11 or who, in the regular course of his or her duties, has
12 authorized access to information relating to the effectuation
13 or review of the employer's collective bargaining policies.

14 (d) "Craft employees" means skilled journeymen, crafts
15 persons, and their apprentices and helpers.

16 (e) "Essential services employees" means those public
17 employees performing functions so essential that the
18 interruption or termination of the function will constitute a
19 clear and present danger to the health and safety of the
20 persons in the affected community.

21 (f) "Exclusive representative", except with respect to
22 non-State fire fighters and paramedics employed by fire
23 departments and fire protection districts, non-State peace
24 officers, and peace officers in the Department of State Police,
25 means the labor organization that has been (i) designated by
26 the Board as the representative of a majority of public

1 employees in an appropriate bargaining unit in accordance with
2 the procedures contained in this Act, (ii) historically
3 recognized by the State of Illinois or any political
4 subdivision of the State before July 1, 1984 (the effective
5 date of this Act) as the exclusive representative of the
6 employees in an appropriate bargaining unit, (iii) after July
7 1, 1984 (the effective date of this Act) recognized by an
8 employer upon evidence, acceptable to the Board, that the labor
9 organization has been designated as the exclusive
10 representative by a majority of the employees in an appropriate
11 bargaining unit; (iv) recognized as the exclusive
12 representative of personal assistants under Executive Order
13 2003-8 prior to the effective date of this amendatory Act of
14 the 93rd General Assembly, and the organization shall be
15 considered to be the exclusive representative of the personal
16 assistants as defined in this Section; or (v) recognized as the
17 exclusive representative of child and day care home providers,
18 including licensed and license exempt providers, pursuant to an
19 election held under Executive Order 2005-1 prior to the
20 effective date of this amendatory Act of the 94th General
21 Assembly, and the organization shall be considered to be the
22 exclusive representative of the child and day care home
23 providers as defined in this Section.

24 With respect to non-State fire fighters and paramedics
25 employed by fire departments and fire protection districts,
26 non-State peace officers, and peace officers in the Department

1 of State Police, "exclusive representative" means the labor
2 organization that has been (i) designated by the Board as the
3 representative of a majority of peace officers or fire fighters
4 in an appropriate bargaining unit in accordance with the
5 procedures contained in this Act, (ii) historically recognized
6 by the State of Illinois or any political subdivision of the
7 State before January 1, 1986 (the effective date of this
8 amendatory Act of 1985) as the exclusive representative by a
9 majority of the peace officers or fire fighters in an
10 appropriate bargaining unit, or (iii) after January 1, 1986
11 (the effective date of this amendatory Act of 1985) recognized
12 by an employer upon evidence, acceptable to the Board, that the
13 labor organization has been designated as the exclusive
14 representative by a majority of the peace officers or fire
15 fighters in an appropriate bargaining unit.

16 Where a historical pattern of representation exists for the
17 workers of a water system that was owned by a public utility,
18 as defined in Section 3-105 of the Public Utilities Act, prior
19 to becoming certified employees of a municipality or
20 municipalities once the municipality or municipalities have
21 acquired the water system as authorized in Section 11-124-5 of
22 the Illinois Municipal Code, the Board shall find the labor
23 organization that has historically represented the workers to
24 be the exclusive representative under this Act, and shall find
25 the unit represented by the exclusive representative to be the
26 appropriate unit.

1 (g) (Blank). ~~"Fair share agreement" means an agreement~~
2 ~~between the employer and an employee organization under which~~
3 ~~all or any of the employees in a collective bargaining unit are~~
4 ~~required to pay their proportionate share of the costs of the~~
5 ~~collective bargaining process, contract administration, and~~
6 ~~pursuing matters affecting wages, hours, and other conditions~~
7 ~~of employment, but not to exceed the amount of dues uniformly~~
8 ~~required of members. The amount certified by the exclusive~~
9 ~~representative shall not include any fees for contributions~~
10 ~~related to the election or support of any candidate for~~
11 ~~political office. Nothing in this subsection (g) shall preclude~~
12 ~~an employee from making voluntary political contributions in~~
13 ~~conjunction with his or her fair share payment.~~

14 (g-1) "Fire fighter" means, for the purposes of this Act
15 only, any person who has been or is hereafter appointed to a
16 fire department or fire protection district or employed by a
17 state university and sworn or commissioned to perform fire
18 fighter duties or paramedic duties, except that the following
19 persons are not included: part-time fire fighters, auxiliary,
20 reserve or voluntary fire fighters, including paid on-call fire
21 fighters, clerks and dispatchers or other civilian employees of
22 a fire department or fire protection district who are not
23 routinely expected to perform fire fighter duties, or elected
24 officials.

25 (g-2) "General Assembly of the State of Illinois" means the
26 legislative branch of the government of the State of Illinois,

1 as provided for under Article IV of the Constitution of the
2 State of Illinois, and includes but is not limited to the House
3 of Representatives, the Senate, the Speaker of the House of
4 Representatives, the Minority Leader of the House of
5 Representatives, the President of the Senate, the Minority
6 Leader of the Senate, the Joint Committee on Legislative
7 Support Services and any legislative support services agency
8 listed in the Legislative Commission Reorganization Act of
9 1984.

10 (h) "Governing body" means, in the case of the State, the
11 State Panel of the Illinois Labor Relations Board, the Director
12 of the Department of Central Management Services, and the
13 Director of the Department of Labor; the county board in the
14 case of a county; the corporate authorities in the case of a
15 municipality; and the appropriate body authorized to provide
16 for expenditures of its funds in the case of any other unit of
17 government.

18 (i) "Labor organization" means any organization in which
19 public employees participate and that exists for the purpose,
20 in whole or in part, of dealing with a public employer
21 concerning wages, hours, and other terms and conditions of
22 employment, including the settlement of grievances.

23 (i-5) "Legislative liaison" means a person who is an
24 employee of a State agency, the Attorney General, the Secretary
25 of State, the Comptroller, or the Treasurer, as the case may
26 be, and whose job duties require the person to regularly

1 communicate in the course of his or her employment with any
2 official or staff of the General Assembly of the State of
3 Illinois for the purpose of influencing any legislative action.

4 (j) "Managerial employee" means an individual who is
5 engaged predominantly in executive and management functions
6 and is charged with the responsibility of directing the
7 effectuation of management policies and practices. With
8 respect only to State employees in positions under the
9 jurisdiction of the Attorney General, Secretary of State,
10 Comptroller, or Treasurer (i) that were certified in a
11 bargaining unit on or after December 2, 2008, (ii) for which a
12 petition is filed with the Illinois Public Labor Relations
13 Board on or after April 5, 2013 (the effective date of Public
14 Act 97-1172), or (iii) for which a petition is pending before
15 the Illinois Public Labor Relations Board on that date,
16 "managerial employee" means an individual who is engaged in
17 executive and management functions or who is charged with the
18 effectuation of management policies and practices or who
19 represents management interests by taking or recommending
20 discretionary actions that effectively control or implement
21 policy. Nothing in this definition prohibits an individual from
22 also meeting the definition of "supervisor" under subsection
23 (r) of this Section.

24 (k) "Peace officer" means, for the purposes of this Act
25 only, any persons who have been or are hereafter appointed to a
26 police force, department, or agency and sworn or commissioned

1 to perform police duties, except that the following persons are
2 not included: part-time police officers, special police
3 officers, auxiliary police as defined by Section 3.1-30-20 of
4 the Illinois Municipal Code, night watchmen, "merchant
5 police", court security officers as defined by Section 3-6012.1
6 of the Counties Code, temporary employees, traffic guards or
7 wardens, civilian parking meter and parking facilities
8 personnel or other individuals specially appointed to aid or
9 direct traffic at or near schools or public functions or to aid
10 in civil defense or disaster, parking enforcement employees who
11 are not commissioned as peace officers and who are not armed
12 and who are not routinely expected to effect arrests, parking
13 lot attendants, clerks and dispatchers or other civilian
14 employees of a police department who are not routinely expected
15 to effect arrests, or elected officials.

16 (l) "Person" includes one or more individuals, labor
17 organizations, public employees, associations, corporations,
18 legal representatives, trustees, trustees in bankruptcy,
19 receivers, or the State of Illinois or any political
20 subdivision of the State or governing body, but does not
21 include the General Assembly of the State of Illinois or any
22 individual employed by the General Assembly of the State of
23 Illinois.

24 (m) "Professional employee" means any employee engaged in
25 work predominantly intellectual and varied in character rather
26 than routine mental, manual, mechanical or physical work;

1 involving the consistent exercise of discretion and adjustment
2 in its performance; of such a character that the output
3 produced or the result accomplished cannot be standardized in
4 relation to a given period of time; and requiring advanced
5 knowledge in a field of science or learning customarily
6 acquired by a prolonged course of specialized intellectual
7 instruction and study in an institution of higher learning or a
8 hospital, as distinguished from a general academic education or
9 from apprenticeship or from training in the performance of
10 routine mental, manual, or physical processes; or any employee
11 who has completed the courses of specialized intellectual
12 instruction and study prescribed in this subsection (m) and is
13 performing related work under the supervision of a professional
14 person to qualify to become a professional employee as defined
15 in this subsection (m).

16 (n) "Public employee" or "employee", for the purposes of
17 this Act, means any individual employed by a public employer,
18 including (i) interns and residents at public hospitals, (ii)
19 as of the effective date of this amendatory Act of the 93rd
20 General Assembly, but not before, personal assistants working
21 under the Home Services Program under Section 3 of the Disabled
22 Persons Rehabilitation Act, subject to the limitations set
23 forth in this Act and in the Disabled Persons Rehabilitation
24 Act, (iii) as of the effective date of this amendatory Act of
25 the 94th General Assembly, but not before, child and day care
26 home providers participating in the child care assistance

1 program under Section 9A-11 of the Illinois Public Aid Code,
2 subject to the limitations set forth in this Act and in Section
3 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
4 2013 (the effective date of Public Act 97-1158), but not before
5 except as otherwise provided in this subsection (n), home care
6 and home health workers who function as personal assistants and
7 individual maintenance home health workers and who also work
8 under the Home Services Program under Section 3 of the Disabled
9 Persons Rehabilitation Act, no matter whether the State
10 provides those services through direct fee-for-service
11 arrangements, with the assistance of a managed care
12 organization or other intermediary, or otherwise, (v)
13 beginning on the effective date of this amendatory Act of the
14 98th General Assembly and notwithstanding any other provision
15 of this Act, any person employed by a public employer and who
16 is classified as or who holds the employment title of Chief
17 Stationary Engineer, Assistant Chief Stationary Engineer,
18 Sewage Plant Operator, Water Plant Operator, Stationary
19 Engineer, Plant Operating Engineer, and any other employee who
20 holds the position of: Civil Engineer V, Civil Engineer VI,
21 Civil Engineer VII, Technical Manager I, Technical Manager II,
22 Technical Manager III, Technical Manager IV, Technical Manager
23 V, Technical Manager VI, Realty Specialist III, Realty
24 Specialist IV, Realty Specialist V, Technical Advisor I,
25 Technical Advisor II, Technical Advisor III, Technical Advisor
26 IV, or Technical Advisor V employed by the Department of

1 Transportation who is in a position which is certified in a
2 bargaining unit on or before the effective date of this
3 amendatory Act of the 98th General Assembly, and (vi) beginning
4 on the effective date of this amendatory Act of the 98th
5 General Assembly and notwithstanding any other provision of
6 this Act, any mental health administrator in the Department of
7 Corrections who is classified as or who holds the position of
8 Public Service Administrator (Option 8K), any employee of the
9 Office of the Inspector General in the Department of Human
10 Services who is classified as or who holds the position of
11 Public Service Administrator (Option 7), any Deputy of
12 Intelligence in the Department of Corrections who is classified
13 as or who holds the position of Public Service Administrator
14 (Option 7), and any employee of the Department of State Police
15 who handles issues concerning the Illinois State Police Sex
16 Offender Registry and who is classified as or holds the
17 position of Public Service Administrator (Option 7), but
18 excluding all of the following: employees of the General
19 Assembly of the State of Illinois; elected officials; executive
20 heads of a department; members of boards or commissions; the
21 Executive Inspectors General; any special Executive Inspectors
22 General; employees of each Office of an Executive Inspector
23 General; commissioners and employees of the Executive Ethics
24 Commission; the Auditor General's Inspector General; employees
25 of the Office of the Auditor General's Inspector General; the
26 Legislative Inspector General; any special Legislative

1 Inspectors General; employees of the Office of the Legislative
2 Inspector General; commissioners and employees of the
3 Legislative Ethics Commission; employees of any agency, board
4 or commission created by this Act; employees appointed to State
5 positions of a temporary or emergency nature; all employees of
6 school districts and higher education institutions except
7 firefighters and peace officers employed by a state university
8 and except peace officers employed by a school district in its
9 own police department in existence on the effective date of
10 this amendatory Act of the 96th General Assembly; managerial
11 employees; short-term employees; legislative liaisons; a
12 person who is a State employee under the jurisdiction of the
13 Office of the Attorney General who is licensed to practice law
14 or whose position authorizes, either directly or indirectly,
15 meaningful input into government decision-making on issues
16 where there is room for principled disagreement on goals or
17 their implementation; a person who is a State employee under
18 the jurisdiction of the Office of the Comptroller who holds the
19 position of Public Service Administrator or whose position is
20 otherwise exempt under the Comptroller Merit Employment Code; a
21 person who is a State employee under the jurisdiction of the
22 Secretary of State who holds the position classification of
23 Executive I or higher, whose position authorizes, either
24 directly or indirectly, meaningful input into government
25 decision-making on issues where there is room for principled
26 disagreement on goals or their implementation, or who is

1 otherwise exempt under the Secretary of State Merit Employment
2 Code; employees in the Office of the Secretary of State who are
3 completely exempt from jurisdiction B of the Secretary of State
4 Merit Employment Code and who are in Rutan-exempt positions on
5 or after April 5, 2013 (the effective date of Public Act
6 97-1172); a person who is a State employee under the
7 jurisdiction of the Treasurer who holds a position that is
8 exempt from the State Treasurer Employment Code; any employee
9 of a State agency who (i) holds the title or position of, or
10 exercises substantially similar duties as a legislative
11 liaison, Agency General Counsel, Agency Chief of Staff, Agency
12 Executive Director, Agency Deputy Director, Agency Chief
13 Fiscal Officer, Agency Human Resources Director, Public
14 Information Officer, or Chief Information Officer and (ii) was
15 neither included in a bargaining unit nor subject to an active
16 petition for certification in a bargaining unit; any employee
17 of a State agency who (i) is in a position that is
18 Rutan-exempt, as designated by the employer, and completely
19 exempt from jurisdiction B of the Personnel Code and (ii) was
20 neither included in a bargaining unit nor subject to an active
21 petition for certification in a bargaining unit; any term
22 appointed employee of a State agency pursuant to Section 8b.18
23 or 8b.19 of the Personnel Code who was neither included in a
24 bargaining unit nor subject to an active petition for
25 certification in a bargaining unit; any employment position
26 properly designated pursuant to Section 6.1 of this Act;

1 confidential employees; independent contractors; and
2 supervisors except as provided in this Act.

3 Home care and home health workers who function as personal
4 assistants and individual maintenance home health workers and
5 who also work under the Home Services Program under Section 3
6 of the Disabled Persons Rehabilitation Act shall not be
7 considered public employees for any purposes not specifically
8 provided for in Public Act 93-204 or Public Act 97-1158,
9 including but not limited to, purposes of vicarious liability
10 in tort and purposes of statutory retirement or health
11 insurance benefits. Home care and home health workers who
12 function as personal assistants and individual maintenance
13 home health workers and who also work under the Home Services
14 Program under Section 3 of the Disabled Persons Rehabilitation
15 Act shall not be covered by the State Employees Group Insurance
16 Act of 1971 (5 ILCS 375/).

17 Child and day care home providers shall not be considered
18 public employees for any purposes not specifically provided for
19 in this amendatory Act of the 94th General Assembly, including
20 but not limited to, purposes of vicarious liability in tort and
21 purposes of statutory retirement or health insurance benefits.
22 Child and day care home providers shall not be covered by the
23 State Employees Group Insurance Act of 1971.

24 Notwithstanding Section 9, subsection (c), or any other
25 provisions of this Act, all peace officers above the rank of
26 captain in municipalities with more than 1,000,000 inhabitants

1 shall be excluded from this Act.

2 (o) Except as otherwise in subsection (o-5), "public
3 employer" or "employer" means the State of Illinois; any
4 political subdivision of the State, unit of local government or
5 school district; authorities including departments, divisions,
6 bureaus, boards, commissions, or other agencies of the
7 foregoing entities; and any person acting within the scope of
8 his or her authority, express or implied, on behalf of those
9 entities in dealing with its employees. As of the effective
10 date of the amendatory Act of the 93rd General Assembly, but
11 not before, the State of Illinois shall be considered the
12 employer of the personal assistants working under the Home
13 Services Program under Section 3 of the Disabled Persons
14 Rehabilitation Act, subject to the limitations set forth in
15 this Act and in the Disabled Persons Rehabilitation Act. As of
16 January 29, 2013 (the effective date of Public Act 97-1158),
17 but not before except as otherwise provided in this subsection
18 (o), the State shall be considered the employer of home care
19 and home health workers who function as personal assistants and
20 individual maintenance home health workers and who also work
21 under the Home Services Program under Section 3 of the Disabled
22 Persons Rehabilitation Act, no matter whether the State
23 provides those services through direct fee-for-service
24 arrangements, with the assistance of a managed care
25 organization or other intermediary, or otherwise, but subject
26 to the limitations set forth in this Act and the Disabled

1 Persons Rehabilitation Act. The State shall not be considered
2 to be the employer of home care and home health workers who
3 function as personal assistants and individual maintenance
4 home health workers and who also work under the Home Services
5 Program under Section 3 of the Disabled Persons Rehabilitation
6 Act, for any purposes not specifically provided for in Public
7 Act 93-204 or Public Act 97-1158, including but not limited to,
8 purposes of vicarious liability in tort and purposes of
9 statutory retirement or health insurance benefits. Home care
10 and home health workers who function as personal assistants and
11 individual maintenance home health workers and who also work
12 under the Home Services Program under Section 3 of the Disabled
13 Persons Rehabilitation Act shall not be covered by the State
14 Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the
15 effective date of this amendatory Act of the 94th General
16 Assembly but not before, the State of Illinois shall be
17 considered the employer of the day and child care home
18 providers participating in the child care assistance program
19 under Section 9A-11 of the Illinois Public Aid Code, subject to
20 the limitations set forth in this Act and in Section 9A-11 of
21 the Illinois Public Aid Code. The State shall not be considered
22 to be the employer of child and day care home providers for any
23 purposes not specifically provided for in this amendatory Act
24 of the 94th General Assembly, including but not limited to,
25 purposes of vicarious liability in tort and purposes of
26 statutory retirement or health insurance benefits. Child and

1 day care home providers shall not be covered by the State
2 Employees Group Insurance Act of 1971.

3 "Public employer" or "employer" as used in this Act,
4 however, does not mean and shall not include the General
5 Assembly of the State of Illinois, the Executive Ethics
6 Commission, the Offices of the Executive Inspectors General,
7 the Legislative Ethics Commission, the Office of the
8 Legislative Inspector General, the Office of the Auditor
9 General's Inspector General, the Office of the Governor, the
10 Governor's Office of Management and Budget, the Illinois
11 Finance Authority, the Office of the Lieutenant Governor, the
12 State Board of Elections, and educational employers or
13 employers as defined in the Illinois Educational Labor
14 Relations Act, except with respect to a state university in its
15 employment of firefighters and peace officers and except with
16 respect to a school district in the employment of peace
17 officers in its own police department in existence on the
18 effective date of this amendatory Act of the 96th General
19 Assembly. County boards and county sheriffs shall be designated
20 as joint or co-employers of county peace officers appointed
21 under the authority of a county sheriff. Nothing in this
22 subsection (o) shall be construed to prevent the State Panel or
23 the Local Panel from determining that employers are joint or
24 co-employers.

25 (o-5) With respect to wages, fringe benefits, hours,
26 holidays, vacations, proficiency examinations, sick leave, and

1 other conditions of employment, the public employer of public
2 employees who are court reporters, as defined in the Court
3 Reporters Act, shall be determined as follows:

4 (1) For court reporters employed by the Cook County
5 Judicial Circuit, the chief judge of the Cook County
6 Circuit Court is the public employer and employer
7 representative.

8 (2) For court reporters employed by the 12th, 18th,
9 19th, and, on and after December 4, 2006, the 22nd judicial
10 circuits, a group consisting of the chief judges of those
11 circuits, acting jointly by majority vote, is the public
12 employer and employer representative.

13 (3) For court reporters employed by all other judicial
14 circuits, a group consisting of the chief judges of those
15 circuits, acting jointly by majority vote, is the public
16 employer and employer representative.

17 (p) "Security employee" means an employee who is
18 responsible for the supervision and control of inmates at
19 correctional facilities. The term also includes other
20 non-security employees in bargaining units having the majority
21 of employees being responsible for the supervision and control
22 of inmates at correctional facilities.

23 (q) "Short-term employee" means an employee who is employed
24 for less than 2 consecutive calendar quarters during a calendar
25 year and who does not have a reasonable assurance that he or
26 she will be rehired by the same employer for the same service

1 in a subsequent calendar year.

2 (q-5) "State agency" means an agency directly responsible
3 to the Governor, as defined in Section 3.1 of the Executive
4 Reorganization Implementation Act, and the Illinois Commerce
5 Commission, the Illinois Workers' Compensation Commission, the
6 Civil Service Commission, the Pollution Control Board, the
7 Illinois Racing Board, and the Department of State Police Merit
8 Board.

9 (r) "Supervisor" is:

10 (1) An employee whose principal work is substantially
11 different from that of his or her subordinates and who has
12 authority, in the interest of the employer, to hire,
13 transfer, suspend, lay off, recall, promote, discharge,
14 direct, reward, or discipline employees, to adjust their
15 grievances, or to effectively recommend any of those
16 actions, if the exercise of that authority is not of a
17 merely routine or clerical nature, but requires the
18 consistent use of independent judgment. Except with
19 respect to police employment, the term "supervisor"
20 includes only those individuals who devote a preponderance
21 of their employment time to exercising that authority,
22 State supervisors notwithstanding. Nothing in this
23 definition prohibits an individual from also meeting the
24 definition of "managerial employee" under subsection (j)
25 of this Section. In addition, in determining supervisory
26 status in police employment, rank shall not be

1 determinative. The Board shall consider, as evidence of
2 bargaining unit inclusion or exclusion, the common law
3 enforcement policies and relationships between police
4 officer ranks and certification under applicable civil
5 service law, ordinances, personnel codes, or Division 2.1
6 of Article 10 of the Illinois Municipal Code, but these
7 factors shall not be the sole or predominant factors
8 considered by the Board in determining police supervisory
9 status.

10 Notwithstanding the provisions of the preceding
11 paragraph, in determining supervisory status in fire
12 fighter employment, no fire fighter shall be excluded as a
13 supervisor who has established representation rights under
14 Section 9 of this Act. Further, in new fire fighter units,
15 employees shall consist of fire fighters of the rank of
16 company officer and below. If a company officer otherwise
17 qualifies as a supervisor under the preceding paragraph,
18 however, he or she shall not be included in the fire
19 fighter unit. If there is no rank between that of chief and
20 the highest company officer, the employer may designate a
21 position on each shift as a Shift Commander, and the
22 persons occupying those positions shall be supervisors.
23 All other ranks above that of company officer shall be
24 supervisors.

25 (2) With respect only to State employees in positions
26 under the jurisdiction of the Attorney General, Secretary

1 of State, Comptroller, or Treasurer (i) that were certified
2 in a bargaining unit on or after December 2, 2008, (ii) for
3 which a petition is filed with the Illinois Public Labor
4 Relations Board on or after April 5, 2013 (the effective
5 date of Public Act 97-1172), or (iii) for which a petition
6 is pending before the Illinois Public Labor Relations Board
7 on that date, an employee who qualifies as a supervisor
8 under (A) Section 152 of the National Labor Relations Act
9 and (B) orders of the National Labor Relations Board
10 interpreting that provision or decisions of courts
11 reviewing decisions of the National Labor Relations Board.

12 (s)(1) "Unit" means a class of jobs or positions that are
13 held by employees whose collective interests may suitably be
14 represented by a labor organization for collective bargaining.
15 Except with respect to non-State fire fighters and paramedics
16 employed by fire departments and fire protection districts,
17 non-State peace officers, and peace officers in the Department
18 of State Police, a bargaining unit determined by the Board
19 shall not include both employees and supervisors, or
20 supervisors only, except as provided in paragraph (2) of this
21 subsection (s) and except for bargaining units in existence on
22 July 1, 1984 (the effective date of this Act). With respect to
23 non-State fire fighters and paramedics employed by fire
24 departments and fire protection districts, non-State peace
25 officers, and peace officers in the Department of State Police,
26 a bargaining unit determined by the Board shall not include

1 both supervisors and nonsupervisors, or supervisors only,
2 except as provided in paragraph (2) of this subsection (s) and
3 except for bargaining units in existence on January 1, 1986
4 (the effective date of this amendatory Act of 1985). A
5 bargaining unit determined by the Board to contain peace
6 officers shall contain no employees other than peace officers
7 unless otherwise agreed to by the employer and the labor
8 organization or labor organizations involved. Notwithstanding
9 any other provision of this Act, a bargaining unit, including a
10 historical bargaining unit, containing sworn peace officers of
11 the Department of Natural Resources (formerly designated the
12 Department of Conservation) shall contain no employees other
13 than such sworn peace officers upon the effective date of this
14 amendatory Act of 1990 or upon the expiration date of any
15 collective bargaining agreement in effect upon the effective
16 date of this amendatory Act of 1990 covering both such sworn
17 peace officers and other employees.

18 (2) Notwithstanding the exclusion of supervisors from
19 bargaining units as provided in paragraph (1) of this
20 subsection (s), a public employer may agree to permit its
21 supervisory employees to form bargaining units and may bargain
22 with those units. This Act shall apply if the public employer
23 chooses to bargain under this subsection.

24 (3) Public employees who are court reporters, as defined in
25 the Court Reporters Act, shall be divided into 3 units for
26 collective bargaining purposes. One unit shall be court

1 reporters employed by the Cook County Judicial Circuit; one
2 unit shall be court reporters employed by the 12th, 18th, 19th,
3 and, on and after December 4, 2006, the 22nd judicial circuits;
4 and one unit shall be court reporters employed by all other
5 judicial circuits.

6 (t) "Active petition for certification in a bargaining
7 unit" means a petition for certification filed with the Board
8 under one of the following case numbers: S-RC-11-110;
9 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
10 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
11 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
12 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
13 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
14 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
15 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
16 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
17 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
18 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
19 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
20 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
21 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
22 S-RC-07-100.

23 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;
24 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13; 98-1004, eff.
25 8-18-14.)

1 (5 ILCS 315/6) (from Ch. 48, par. 1606)

2 Sec. 6. Right to organize and bargain collectively;
3 exclusive representation; ~~and fair share arrangements.~~

4 (a) Employees of the State and any political subdivision of
5 the State, excluding employees of the General Assembly of the
6 State of Illinois and employees excluded from the definition of
7 "public employee" under subsection (n) of Section 3 of this
8 Act, have, and are protected in the exercise of, the right of
9 self-organization, and may form, join or assist any labor
10 organization, to bargain collectively through representatives
11 of their own choosing on questions of wages, hours and other
12 conditions of employment, not excluded by Section 4 of this
13 Act, and to engage in other concerted activities not otherwise
14 prohibited by law for the purposes of collective bargaining or
15 other mutual aid or protection, free from interference,
16 restraint or coercion. Employees also have, and are protected
17 in the exercise of, the right to refrain from participating in
18 any such concerted activities. Employees also have the right
19 not to become or remain a member of a labor organization, or to
20 pay any dues, fees, assessments, or other similar charges,
21 however denominated, of any kind or amount to a labor
22 organization ~~may be required, pursuant to the terms of a lawful~~
23 ~~fair share agreement, to pay a fee which shall be their~~
24 ~~proportionate share of the costs of the collective bargaining~~
25 ~~process, contract administration and pursuing matters~~
26 ~~affecting wages, hours and other conditions of employment as~~

1 ~~defined in Section 3(g).~~

2 (b) Nothing in this Act prevents an employee from
3 presenting a grievance to the employer and having the grievance
4 heard and settled without the intervention of an employee
5 organization; provided that the exclusive bargaining
6 representative is afforded the opportunity to be present at
7 such conference and that any settlement made shall not be
8 inconsistent with the terms of any agreement in effect between
9 the employer and the exclusive bargaining representative.

10 (c) A labor organization designated by the Board as the
11 representative of the majority of public employees in an
12 appropriate unit in accordance with the procedures herein or
13 recognized by a public employer as the representative of the
14 majority of public employees in an appropriate unit is the
15 exclusive representative for the employees of such unit for the
16 purpose of collective bargaining with respect to rates of pay,
17 wages, hours and other conditions of employment not excluded by
18 Section 4 of this Act. A public employer is required upon
19 request to furnish the exclusive bargaining representative
20 with a complete list of the names and addresses of the public
21 employees in the bargaining unit, provided that a public
22 employer shall not be required to furnish such a list more than
23 once per payroll period. The exclusive bargaining
24 representative shall use the list exclusively for bargaining
25 representation purposes and shall not disclose any information
26 contained in the list for any other purpose. Nothing in this

1 Section, however, shall prohibit a bargaining representative
2 from disseminating a list of its union members.

3 (d) Labor organizations recognized by a public employer as
4 the exclusive representative or so designated in accordance
5 with the provisions of this Act are responsible for
6 representing the interests of all public employees in the unit.
7 Nothing herein shall be construed to limit an exclusive
8 representative's right to exercise its discretion to refuse to
9 process grievances of employees that are unmeritorious.

10 (e) When a collective bargaining agreement is entered into
11 with an exclusive representative, it may include in the
12 agreement a provision requiring employees covered by the
13 agreement who are not members of the organization to pay their
14 proportionate share of the costs of the collective bargaining
15 process, contract administration and pursuing matters
16 affecting wages, hours and conditions of employment, as defined
17 in Section 3 (g), but not to exceed the amount of dues
18 uniformly required of members. The organization shall certify
19 to the employer the amount constituting each nonmember
20 employee's proportionate share which shall not exceed dues
21 uniformly required of members. In such case, the proportionate
22 share payment in this Section shall be deducted by the employer
23 from the earnings of the nonmember employees and paid to the
24 employee organization.

25 (f) Only the exclusive representative may negotiate
26 provisions in a collective bargaining agreement providing for

1 the payroll deduction of labor organization dues, ~~fair share~~
2 ~~payment~~, initiation fees and assessments. Except as provided in
3 subsection (e) of this Section, any such deductions shall only
4 be made upon an employee's written authorization, and continued
5 until revoked in writing in the same manner or until the
6 termination date of an applicable collective bargaining
7 agreement. Such payments shall be paid to the exclusive
8 representative.

9 Where a collective bargaining agreement is terminated, or
10 continues in effect beyond its scheduled expiration date
11 pending the negotiation of a successor agreement or the
12 resolution of an impasse under Section 14, the employer shall
13 continue to honor and abide by any dues deduction ~~or fair share~~
14 ~~clause~~ contained therein until a new agreement is reached
15 including dues deduction ~~or a fair share clause~~. For the
16 benefit of any successor exclusive representative certified
17 under this Act, this provision shall be applicable, provided
18 the successor exclusive representative:

19 (i) certifies to the employer the amount constituting
20 each non-member's proportionate share under subsection
21 (e); or

22 (ii) presents the employer with employee written
23 authorizations for the deduction of dues, assessments, and
24 fees under this subsection.

25 Failure to so honor and abide by dues deduction ~~or fair~~
26 ~~share clauses~~ for the benefit of any exclusive representative,

1 including a successor, shall be a violation of the duty to
2 bargain and an unfair labor practice.

3 (g) (Blank). ~~Agreements containing a fair share agreement~~
4 ~~must safeguard the right of nonassociation of employees based~~
5 ~~upon bona fide religious tenets or teachings of a church or~~
6 ~~religious body of which such employees are members. Such~~
7 ~~employees may be required to pay an amount equal to their fair~~
8 ~~share, determined under a lawful fair share agreement, to a~~
9 ~~nonreligious charitable organization mutually agreed upon by~~
10 ~~the employees affected and the exclusive bargaining~~
11 ~~representative to which such employees would otherwise pay such~~
12 ~~service fee. If the affected employees and the bargaining~~
13 ~~representative are unable to reach an agreement on the matter,~~
14 ~~the Board may establish an approved list of charitable~~
15 ~~organizations to which such payments may be made.~~

16 (Source: P.A. 97-1172, eff. 4-5-13.)

17 (5 ILCS 315/10) (from Ch. 48, par. 1610)

18 Sec. 10. Unfair labor practices.

19 (a) It shall be an unfair labor practice for an employer or
20 its agents:

21 (1) to interfere with, restrain or coerce public
22 employees in the exercise of the rights guaranteed in this
23 Act or to dominate or interfere with the formation,
24 existence or administration of any labor organization or
25 contribute financial or other support to it; provided, an

1 employer shall not be prohibited from permitting employees
2 to confer with him during working hours without loss of
3 time or pay;

4 (2) to discriminate in regard to hire or tenure of
5 employment or any term or condition of employment in order
6 to encourage or discourage membership in or other support
7 for any labor organization including requiring the payment
8 of any dues, fees, assessments, or other similar charges,
9 however denominated, of any kind or amount to a labor
10 organization or to a charity in lieu of a payment to a
11 labor organization. ~~Nothing in this Act or any other law~~
12 ~~precludes a public employer from making an agreement with a~~
13 ~~labor organization to require as a condition of employment~~
14 ~~the payment of a fair share under paragraph (c) of Section~~
15 ~~6;~~

16 (3) to discharge or otherwise discriminate against a
17 public employee because he has signed or filed an
18 affidavit, petition or charge or provided any information
19 or testimony under this Act;

20 (4) to refuse to bargain collectively in good faith
21 with a labor organization which is the exclusive
22 representative of public employees in an appropriate unit,
23 including, but not limited to, the discussing of grievances
24 with the exclusive representative;

25 (5) to violate any of the rules and regulations
26 established by the Board with jurisdiction over them

1 relating to the conduct of representation elections or the
2 conduct affecting the representation elections;

3 (6) to expend or cause the expenditure of public funds
4 to any external agent, individual, firm, agency,
5 partnership or association in any attempt to influence the
6 outcome of representational elections held pursuant to
7 Section 9 of this Act; provided, that nothing in this
8 subsection shall be construed to limit an employer's right
9 to internally communicate with its employees as provided in
10 subsection (c) of this Section, to be represented on any
11 matter pertaining to unit determinations, unfair labor
12 practice charges or pre-election conferences in any formal
13 or informal proceeding before the Board, or to seek or
14 obtain advice from legal counsel. Nothing in this paragraph
15 shall be construed to prohibit an employer from expending
16 or causing the expenditure of public funds on, or seeking
17 or obtaining services or advice from, any organization,
18 group, or association established by and including public
19 or educational employers, whether covered by this Act, the
20 Illinois Educational Labor Relations Act or the public
21 employment labor relations law of any other state or the
22 federal government, provided that such services or advice
23 are generally available to the membership of the
24 organization, group or association, and are not offered
25 solely in an attempt to influence the outcome of a
26 particular representational election; ~~or~~

1 (7) to refuse to reduce a collective bargaining
2 agreement to writing or to refuse to sign such agreement;
3 or -

4 (8) to require or attempt to require, as a condition or
5 continuance of employment, that any public employee become
6 or remain a member of a labor organization; or pay any
7 dues, fees, assessments, or other similar charges, however
8 denominated, of any kind or amount to a labor organization;
9 or pay to any charity or other third party, in lieu of such
10 payments, any amount equivalent to or pro rata portion of
11 dues, fees, assessments, or other charges required of
12 members of a labor organization.

13 (b) It shall be an unfair labor practice for a labor
14 organization or its agents:

15 (1) to restrain or coerce public employees in the
16 exercise of the rights guaranteed in this Act, provided,
17 ~~(i) that this paragraph shall not impair the right of a~~
18 ~~labor organization to prescribe its own rules with respect~~
19 ~~to the acquisition or retention of membership therein or~~
20 ~~the determination of fair share payments and (ii) that a~~
21 labor organization or its agents shall commit an unfair
22 labor practice under this paragraph in duty of fair
23 representation cases only by intentional misconduct in
24 representing employees under this Act;

25 (2) to restrain or coerce a public employer in the
26 selection of his representatives for the purposes of

1 collective bargaining or the settlement of grievances; or

2 (3) to cause, or attempt to cause, an employer to
3 discriminate against an employee in violation of
4 subsection (a) (2);

5 (4) to refuse to bargain collectively in good faith
6 with a public employer, if it has been designated in
7 accordance with the provisions of this Act as the exclusive
8 representative of public employees in an appropriate unit;

9 (5) to violate any of the rules and regulations
10 established by the boards with jurisdiction over them
11 relating to the conduct of representation elections or the
12 conduct affecting the representation elections;

13 (6) to discriminate against any employee because he has
14 signed or filed an affidavit, petition or charge or
15 provided any information or testimony under this Act;

16 (7) to picket or cause to be picketed, or threaten to
17 picket or cause to be picketed, any public employer where
18 an object thereof is forcing or requiring an employer to
19 recognize or bargain with a labor organization of the
20 representative of its employees, or forcing or requiring
21 the employees of an employer to accept or select such labor
22 organization as their collective bargaining
23 representative, unless such labor organization is
24 currently certified as the representative of such
25 employees:

26 (A) where the employer has lawfully recognized in

1 accordance with this Act any labor organization and a
2 question concerning representation may not
3 appropriately be raised under Section 9 of this Act;

4 (B) where within the preceding 12 months a valid
5 election under Section 9 of this Act has been
6 conducted; or

7 (C) where such picketing has been conducted
8 without a petition under Section 9 being filed within a
9 reasonable period of time not to exceed 30 days from
10 the commencement of such picketing; provided that when
11 such a petition has been filed the Board shall
12 forthwith, without regard to the provisions of
13 subsection (a) of Section 9 or the absence of a showing
14 of a substantial interest on the part of the labor
15 organization, direct an election in such unit as the
16 Board finds to be appropriate and shall certify the
17 results thereof; provided further, that nothing in
18 this subparagraph shall be construed to prohibit any
19 picketing or other publicity for the purpose of
20 truthfully advising the public that an employer does
21 not employ members of, or have a contract with, a labor
22 organization unless an effect of such picketing is to
23 induce any individual employed by any other person in
24 the course of his employment, not to pick up, deliver,
25 or transport any goods or not to perform any services;

26 ~~or~~

1 (8) to refuse to reduce a collective bargaining
2 agreement to writing or to refuse to sign such agreement;
3 or-

4 (9) to require or attempt to require, as a condition or
5 continuance of employment, that any public employee become
6 or remain a member of a labor organization; pay any dues,
7 fees, assessments, or other similar charges, however
8 denominated, of any kind or amount to a labor organization;
9 or pay to any charity or other third party, in lieu of such
10 payments, any amount equivalent to or pro rata portion of
11 dues, fees, assessments, or other charges required of
12 members of a labor organization.

13 (c) The expressing of any views, argument, or opinion or
14 the dissemination thereof, whether in written, printed,
15 graphic, or visual form, shall not constitute or be evidence of
16 an unfair labor practice under any of the provisions of this
17 Act, if such expression contains no threat of reprisal or force
18 or promise of benefit.

19 (Source: P.A. 86-412; 87-736.)

20 (15 ILCS 405/16.2 rep.)

21 Section 82. The State Comptroller Act is amended by
22 repealing Section 16.2.

23 (30 ILCS 5/3-8.5 rep.)

24 Section 84. The Illinois State Auditing Act is amended by

1 repealing Section 3-8.5.

2 Section 86. The Illinois Educational Labor Relations Act is
3 amended by changing Sections 3 and 14 as follows:

4 (115 ILCS 5/3) (from Ch. 48, par. 1703)

5 Sec. 3. Employee rights.

6 (a) It shall be lawful for educational employees to
7 organize, form, join, or assist in employee organizations or
8 engage in lawful concerted activities for the purpose of
9 collective bargaining or other mutual aid and protection or
10 bargain collectively through representatives of their own free
11 choice and, except as provided in Section 11, such employees
12 shall also have the right to refrain from any or all such
13 activities. Employees also have the right not to become or
14 remain a member of a labor organization, or to pay any dues,
15 fees, assessments, or other similar charges, however
16 denominated, of any kind or amount to a labor organization.

17 (b) Representatives selected by educational employees in a
18 unit appropriate for collective bargaining purposes shall be
19 the exclusive representative of all the employees in such unit
20 to bargain on wages, hours, terms and conditions of employment.
21 However, any individual employee or a group of employees may at
22 any time present grievances to their employer and have them
23 adjusted without the intervention of the bargaining
24 representative as long as the adjustment is not inconsistent

1 with the terms of a collective bargaining agreement then in
2 effect, provided that the bargaining representative has been
3 given an opportunity to be present at such adjustment.

4 (Source: P.A. 83-1014.)

5 (115 ILCS 5/14) (from Ch. 48, par. 1714)

6 Sec. 14. Unfair labor practices.

7 (a) Educational employers, their agents or representatives
8 are prohibited from:

9 (1) Interfering, restraining or coercing employees in
10 the exercise of the rights guaranteed under this Act.

11 (2) Dominating or interfering with the formation,
12 existence or administration of any employee organization.

13 (3) Discriminating in regard to hire or tenure of
14 employment or any term or condition of employment to
15 encourage or discourage membership in any employee
16 organization.

17 (4) Discharging or otherwise discriminating against an
18 employee because he or she has signed or filed an
19 affidavit, authorization card, petition or complaint or
20 given any information or testimony under this Act.

21 (5) Refusing to bargain collectively in good faith with
22 an employee representative which is the exclusive
23 representative of employees in an appropriate unit,
24 including but not limited to the discussing of grievances
25 with the exclusive representative; provided, however, that

1 if an alleged unfair labor practice involves
2 interpretation or application of the terms of a collective
3 bargaining agreement and said agreement contains a
4 grievance and arbitration procedure, the Board may defer
5 the resolution of such dispute to the grievance and
6 arbitration procedure contained in said agreement.

7 (6) Refusing to reduce a collective bargaining
8 agreement to writing and signing such agreement.

9 (7) Violating any of the rules and regulations
10 promulgated by the Board regulating the conduct of
11 representation elections.

12 (8) Refusing to comply with the provisions of a binding
13 arbitration award.

14 (9) Expending or causing the expenditure of public
15 funds to any external agent, individual, firm, agency,
16 partnership or association in any attempt to influence the
17 outcome of representational elections held pursuant to
18 paragraph (c) of Section 7 of this Act; provided, that
19 nothing in this subsection shall be construed to limit an
20 employer's right to be represented on any matter pertaining
21 to unit determinations, unfair labor practice charges or
22 pre-election conferences in any formal or informal
23 proceeding before the Board, or to seek or obtain advice
24 from legal counsel. Nothing in this paragraph shall be
25 construed to prohibit an employer from expending or causing
26 the expenditure of public funds on, or seeking or obtaining

1 services or advice from, any organization, group or
2 association established by, and including educational or
3 public employers, whether or not covered by this Act, the
4 Illinois Public Labor Relations Act or the public
5 employment labor relations law of any other state or the
6 federal government, provided that such services or advice
7 are generally available to the membership of the
8 organization, group, or association, and are not offered
9 solely in an attempt to influence the outcome of a
10 particular representational election.

11 (10) Requiring or attempting to require, as a condition
12 or continuance of employment, that employees become or
13 remain a member of a labor organization; or pay any dues,
14 fees, assessments, or other similar charges, however
15 denominated, of any kind or amount to a labor organization;
16 or pay to any charity or other third party, in lieu of such
17 payments, any amount equivalent to or pro rata portion of
18 dues, fees, assessments, or other charges required of
19 members of a labor organization.

20 (b) Employee organizations, their agents or
21 representatives or educational employees are prohibited from:

22 (1) Restraining or coercing employees in the exercise
23 of the rights guaranteed under this Act, provided that a
24 labor organization or its agents shall commit an unfair
25 labor practice under this paragraph in duty of fair
26 representation cases only by intentional misconduct in

1 representing employees under this Act.

2 (2) Restraining or coercing an educational employer in
3 the selection of his representative for the purposes of
4 collective bargaining or the adjustment of grievances.

5 (3) Refusing to bargain collectively in good faith with
6 an educational employer, if they have been designated in
7 accordance with the provisions of this Act as the exclusive
8 representative of employees in an appropriate unit.

9 (4) Violating any of the rules and regulations
10 promulgated by the Board regulating the conduct of
11 representation elections.

12 (5) Refusing to reduce a collective bargaining
13 agreement to writing and signing such agreement.

14 (6) Refusing to comply with the provisions of a binding
15 arbitration award.

16 (7) Requiring or attempting to require, as a condition
17 or continuance of employment, that employees become or
18 remain a member of a labor organization; pay any dues,
19 fees, assessments, or other similar charges, however
20 denominated, of any kind or amount to a labor organization;
21 or pay to any charity or other third party, in lieu of such
22 payments, any amount equivalent to or pro rata portion of
23 dues, fees, assessments, or other charges required of
24 members of a labor organization.

25 (c) The expressing of any views, argument, opinion or the
26 dissemination thereof, whether in written, printed, graphic or

1 visual form, shall not constitute or be evidence of an unfair
2 labor practice under any of the provisions of this Act, if such
3 expression contains no threat of reprisal or force or promise
4 of benefit.

5 (d) The actions of a Financial Oversight Panel created
6 pursuant to Section 1A-8 of the School Code due to a district
7 violating a financial plan shall not constitute or be evidence
8 of an unfair labor practice under any of the provisions of this
9 Act. Such actions include, but are not limited to, reviewing,
10 approving, or rejecting a school district budget or a
11 collective bargaining agreement.

12 (Source: P.A. 89-572, eff. 7-30-96.)

13 (115 ILCS 5/11 rep.)

14 Section 88. The Illinois Educational Labor Relations Act is
15 amended by repealing Section 11.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.